



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,661	08/01/2003	Steven M. Casey	20366-092000	3558
20350	7590	02/13/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			TIMBLIN, ROBERT M	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/632,661	CASEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert M. Timblin	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 01 August 2003.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

1. The attempt to incorporate subject matter into this application by reference to "Systems And Methods For Controlled Transmittance in a Telecommunication System" in paragraph 0001 is ineffective because the application number is missing.

Similarly, on page 7, paragraph 0023, the attempt to incorporate subject matter into this application by reference to "Systems And Methods For Integrating Microservers With A Network Interface Device" is ineffective because the application number is missing.

2. The disclosure is objected to because of the following informalities: The specification is missing the field of invention element within the background of the invention. See MPEP 608.01, which states:

(f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:

(1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the

applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."

Appropriate correction is required.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 341 of figure 3b. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-17 and 18-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**MPEP 2106 IV.B.2.(b)**

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

4. Claims 10-17 and 18-20 in view of the above-cited MPEP sections are not statutory because they merely recite a number of computing steps without producing a result that is useful and concrete or being limited to a practical application. The use of a computer has not been indicated.

These claims do not indicate use of hardware on which the software runs to perform the steps recited in the body of the claim. Software or program can be stored on a medium and/or executed by a computer. In other words the software must be computer-readable. The use of a computer is not evident in the claims. MPEP 2106.IV.B.1(a) refers to “computer-readable” medium with computer program encoded on it.”

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Baer et al.** ('Baer' hereinafter) (US 6,611,840 B1).

5. With respect to claim 1, **Baer** teaches A system for abstraction and distinction of content objects, wherein the system comprises:

**'an abstraction engine communicably coupled to a first plurality of content object entities'** as a converter (10) coupled to the plurality of content servers (18) (col. 5 lines 10-12, and figures 1 and 2).

**'a distinction engine communicably coupled to a second plurality of content object entities'** also as a converter (10) coupled to the plurality of content servers (col. 5, lines 10-12, and figures 1 and 2). It can be construed from figure 1 of the specification that the **Abstraction/Distinction engine** (130) is comprised in the same entity and therefore can perform either the abstracting or distinction of content objects, much like the converter of **Baer**, which is also comprised as one entity.

the first plurality of content object entities includes at least two content object entities selected from a group consisting of: **'an appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, an audio stream source, a video stream source, a human interface, the Internet, and an interactive content entity'** as the

content server(s) (18) included within the digital library (20) that include digital objects such as audio, video, and documents (col. 5 lines 46-53 and figure 1).

the second plurality of content object entities includes at least two content object entities selected from a group consisting of: **'an appliance control system, a telephone information system, a storage medium including video objects, a storage medium including audio objects, a human interface, the Internet, and an interactive content entity'** also as the content server(s) (18) included within the digital library (20) that include digital objects such as audio, video, and documents (col. 5 lines 46-53 and figure 1). It can be construed from figure 1 of the specification that the abstraction/distinction engine (as a single entity) is coupled to a plurality of content object entities. The converter (10 of Baer) is also connected to a plurality of content server(s) that can inherently be first and second pluralities of object entities.

6. With respect to claim 2, **Baer** teaches **'two or more of the content object entities are maintained on separate partitions of a common database'** (col. 9. lines 17-20).

7. With respect to claim 3, **Baer** teaches **'the common database is partitioned using a content based schema'** (col. 9, lines 13-17).

8. With respect to claim 4, **Baer** teaches **'the common database is partitioned using a user based schema'** (col. 9 lines 22-23).

With respect to claim 5, Baer teaches ‘**the abstraction engine is operable to receive a content object from one of the first plurality of content object entities, and to form the content object into an abstract format**’ (col. 5, lines 4-12).

9. With respect to claim 6, Baer teaches ‘**abstraction engine is operable to receive a first content object from one of the first content object entities and to derive a second content object based on the first content object, wherein the abstraction engine is further operable to receive a third content object from one of the first content object entities and to derive a fourth content object based on the third content object, and wherein the abstraction engine is further operable to combine the second content object and the fourth content object to create a fifth content object**’ (col. 22, lines 57-64, and col. 26, lines 45-67).

10. With respect to claim 7, Baer teaches ‘**distinction engine is operable to format the fifth content object such that the fifth content object is compatible with a selected one of the second plurality of content object entities**’ (col. 5, lines 4-12).

11. With respect to claim 8, Baer teaches ‘**the abstraction engine is operable to receive a content object from one of the first plurality of content object entities and to form the content object into an abstract format**’ (col. 5, lines 4-12)

**'the distinguishing engine is operable to conform the abstracted content object with a standard compatible with a selected one of the second plurality of content objects'** (col. 5, lines 4-12).

12. With respect to claim 9, Baer teaches **'an access point, wherein the access point indicates a number of content objects associated with the first plurality of content object entities, and one or more of the second plurality of content object entities to which respective content objects of the number of content object entities can be directed'** (col. 6, lines 13-19).

13. With respect to claim 10, Baer teaches 10. A method for utilizing content objects, wherein the method comprises:

**'accessing a first content object from a first content object entity'** as requesting an object (col. 8, lines 19-29).

**'abstracting the first content object to create a second content object'** as a converted format (col. 5, lines 10-12) .

**'distinguishing the second content object to create a third content object, wherein the third content object is compatible with a second content object entity'** content and other information are input to the converter, which format the content (col. 5, lines 4-12).

**'providing the third content object to the second content object entity'** as the content is loaded into storage (col. 5 lines 13-16).

14. With respect to claim 11, Baer teaches ‘accessing a fourth content object from a third content object entity’ (col. 8, lines 19-29).

‘abstracting the fourth content object to create a fifth content object’ (col. 5, lines 4-12).

‘combining the fifth content object with the second content object, wherein the combination of the second and fifth content objects are distinguished to create the third content object’ (col. 5, lines 4-12).

15. With respect to claim 12, Baer teaches ‘first content object is a video object, and wherein the fourth content object is an audio object’ (col. 5 lines 46-51).

16. With respect to claim 13, Baer teaches ‘abstracting the first content object includes separating an audio portion from a video portion of the video object’ (col. 22, lines 57-59).

17. With respect to claim 14, Baer teaches ‘first content object is a video object, and wherein the fourth content object is an Internet object’ (col. 5 lines 46-51).

18. With respect to claim 15, Baer teaches ‘identifying a content object associated with one of the first plurality of content object entities that has expired’ (col. 13 lines 49-52 and col. 28, lines 4-9).

**'removing the identified content object'** (col. 28, lines 4-9).

19. With respect to claim 16, Baer teaches **'the first content object is a video object'** (col. 5 lines 46-51).

**'wherein abstracting the first content object includes removing a visual portion of the video object'** (col. 22, lines 57-59).

**'wherein the second content object includes an audio portion of the video object'** (col. 5 lines 46-51).

20. With respect to claim 17, Baer teaches **'querying each of the first plurality of content object entities to identify a first plurality of content objects'** (col. 4 lines 1-11).

**'providing an access point, wherein the access point indicates the first plurality of content objects, and one or more of the second plurality of content object entities to which each of the first plurality of content objects can be directed'** (col. 6, lines 13-19).

21. With respect to claim 18, Baer teaches 18. A method for accessing content objects within a customer premises, the method comprising:

**'identifying content object entities within the customer premises'** as mapping to the customer's website (col. 40, lines 53-64).

**'grouping the identified content object entities into a first plurality of content object entities and a second plurality of content object entities'** as entity groups storing content (col. 9 lines 24-31).

**'first plurality of content object entities are sources of content objects, and wherein the second plurality of content object entities are destinations of content objects'** as storing and retrieving objects in an object server (col. 6, lines 13-19).

**'providing an access point, wherein the access point indicates the first plurality of content objects, and one or more of the second plurality of content object entities to which each of the first plurality of content objects can be directed'** as the library server directs requests to the appropriate server (col. 6, lines 13-19).

22. With respect to claim 19, Baer teaches **'mixing two or more content objects from the first plurality of content object entities to form a composite content object'** (col. 26, lines 45-47).

**'providing the composite content object to one of the second plurality of content object entities'** (col. 27, lines 32-36).

23. With respect to claim 20, Baer teaches **'accessing a first content object from one of the first plurality of content object entities'** (col. 8, lines 19-29).

**'eliminating a portion of the content included with the first content object to create a second content object'** (col. 62, lines 25-33).

**'providing the second content object to one of the second plurality of content object entities'** (col. 27, lines 32-36).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2004/0025012 A1 filed by **Burks** on 7/30/2002. The subject matter disclosed therein is pertinent to that of claims 1-20 (i.e. processing coded a/v data).

US 5,857,203 issued to **Kauffman et al.** on 1/5/1999. The subject matter disclosed therein is pertinent to that of claims 1-20 (i.e. storing large objects).

US 5,784,683 issued to **Sistanizadeh et al.** on 7/21/1998. The subject matter disclosed therein is pertinent to that of claims 1-20 (i.e. manipulating data signals).

### ***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Timblin whose telephone number is 571-272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean R. Homere can be reached on 571-272-3780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert M. Timblin



AU 2167

RMT  
1/30/06



JEAN R. HOMERE  
PRIMARY EXAMINER